

American Insurance Company, one of Quality Park Products' insurance carriers, asks the Utah Labor Commission to review Administrative Law Judge Sessions' award of medical benefits to C.E. under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

During the period Mrs. E. worked for Quality Park Products ("Quality"), the company obtained workers' compensation coverage from several insurers, including American Insurance Company ("American") and Cigna/ACE USA ("ACE").

In a previous proceeding (Case No. 01-0454), Mrs. E. claimed workers' compensation benefits from Quality, American and ACE for repetitive-motion injuries to her left wrist and thumb. The parties settled this claim on August 5, 2003, but only for the period ending June 23, 2003. Issues arising after that date were reserved for future resolution.

On February 10, 2004, Mrs. E. instituted this proceeding to compel Quality to pay medical expenses she had incurred between September and November, 2003, and to pay additional future medical expenses. American and ACE were added as respondents and both denied liability. ACE also filed a motion to dismiss Mrs. E.'s claim.

Judge Sessions held an evidentiary hearing on March 9, 2005, and then on March 15, 2005, issued his decision releasing ACE from liability, but finding American responsible for Mrs. E.'s current and continuing medical treatment.

American filed a timely motion for Commission review of Judge Sessions' decision and this matter was transferred to the Commission on May 11, 2005. The specific issues raised by American are whether: 1) Ms. E.'s need for additional medical treatment is attributable to the time when American provided insurance coverage for Quality, and 2) Ms. E.'s claim should be adjudicated under the Utah Occupational Disease Act, instead of the Workers' Compensation Act.

DISCUSSION

In reviewing this matter, the Commission notes that Judge Sessions' decision does not explicitly state whether Mrs. E.'s claim is to be adjudicated as an accidental injury under the Workers' Compensation Act or as a disease under the Occupational Disease Act. More importantly, the decision does not address whether a causal connection exists between Mrs. E.'s past employment at Quality and her need for continuing medical care.¹ The decision also fails to explain why Ace

¹ This omission is particularly troubling in light of Judge Sessions' acceptance of Mrs. E.'s lay

should be excused from liability while American remains liable.

In light of the foregoing, the Commission concludes that Judge Sessions' decision does not provide a sufficient statement of the underlying facts of Mrs. E.'s claim or the application of the controlling law to those facts. The Commission therefore remands this matter to Judge Sessions for consideration of these matters and for any additional proceedings that he considers appropriate. Judge Sessions will then issue a new decision that contains a clear analysis and resolution of Mrs. E.'s claim for additional medical benefits.

ORDER

The Commission sets aside Judge Sessions' decision of March 15, 2005. The Commission remands this matter to Judge Sessions for further proceedings and decision consistent herewith. It is so ordered.

Dated this 12th day of October, 2005.

R. Lee Ellertson, Commissioner

opinions regarding medical causation, the lack of foundation for various medical bills, and the scanty and ambiguous content of Dr. Green's "Summary of Medical Record."